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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,170	03/29/2000	Nosakhare D. Omoigui	MS1-339US	7563
45979	7590	09/19/2006	EXAMINER	
PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			KOENIG, ANDREW Y	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,170

Applicant(s)

OMOIGUI, NOSAKHARE D.

Examiner

Andrew Y. Koenig

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34,35,37-41,43,44,46,47 and 49-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34,35,37-41,43,44,46,47 and 49-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 34, 35, 37-41, 43-44, 46, 47, and 49-53 have been considered but are moot in view of the new ground(s) of rejection.

In line 8, the examiner notes that "a second playback speed this is greater..." could be better recited as "a second playback speed this that is greater..." Whereas this may not warrant a 35 USC §112 rejection or an objection, the examiner recommends making changes for clarity.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 34-35, 37-39, 41, 44, 46-47, 49-51, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,963,202 to Polish in view of U.S. Patent Application Publication 2003/0163824 to Gordon et al. (Gordon).

Regarding claims 34, 41, 46, and 53, Polish teaches a video server system (105) that sends data in bursts to client systems (115), wherein Polish teaches a computation engine (145) within the server that sends the streams of data for a first playback speed

from the server to a client via a network (col. 2-3, ll. 59-4). Polish teaches a communication engine (155) at the client (115), that receives the stream of data (col. 3, ll. 7-25). Polish teaches that the client with the video buffer controller (175), video buffer (165), and video driver (170) renders the received stream at the client at a first playback speed (col. 3, ll. 23-50); further based upon selection of a second playback speed, the client switches from the first playback speed to a second playback speed (col. 3, ll. 34-50), and Polish teaches communicating the client's status information to the server, which notifies the server of the second playback speed in that the server needs to accommodate for the size and burst of video information for transmission to the client (col. 3, ll. 51-67, col. 6-7, ll. 64-32). Polish teaches a computations engine (145) at the server, that upon receiving notification of the second playback stream, sends the client the stream of data for the second playback speed at a speed that is greater than required for the second playback speed in that computation engine bases the size of the packet on the expected client consumption rate, expected latency, and current input selected (e.g. fast-forward, rewind, pause, etc) (col. 7, ll. 15-32). Polish teaches switching the rendering of the stream before the client starts receiving from the server stream of the second playback stream (fig. 8, col. 6, ll. 37-60, see also fig. 4-7 for buffer configurations).

Polish is teaches a component of the server sending a third playback stream that greater than the second playback speed, and the client rendering the data sent at the third playback speed at the second speed, in the Polish considers the latency of the network and enabling the buffer to reach a steady state condition, but is silent on the

content of the stream being timeline modified. In analogous art, Gordon teaches in figure 5, sending a fast reverse/forward bitstreams (see fig. 5, labels 518, 538), which equates to a timeline modified streams. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polish by using timeline modified streams as taught by Gordon in order to reduce the bandwidth of the signals being sent over the link, thereby reducing the bandwidth usage and reducing the processing at the client device as the client merely needs to play the timeline-modified stream.

Regarding claim 35, as shown in figure 8, Polish teaches rendering the data upon receiving an indication from the user to switch the playback speed without waiting to receive data for the second playback speed (col. 6, ll. 37-60 and col. 6-7, ll. 61-32).

Regarding claims 37, and 49, Polish teaches the keeping the buffer at the client at a predetermined amount of playback time (col. 6-7, ll. 61-14), and thereby adjusts the size for steady-state playback (col. 7, ll. 15-32), which equates to the component of the server that sends the stream of data for the second playback speed do so at a speed required for the second playback speed when the client has a sufficient portion of the stream of data buffered.

Regarding claims 38 and 50, Polish teaches accessing the buffers for different speeds prior to sending a request to the server (fig. 8, col. 6, ll. 36-60), which would result in the no user-noticeable delay in the switching from a first playback speed to a second playback speed.

Regarding claims 39 and 51, Polish teaches accessing the buffers for different speeds prior to sending a request to the server (fig. 8, col. 6, ll. 36-60), which would result in the no user-noticeable pause in the switching from a first playback speed to a second playback speed.

Regarding claims 44 and 47, as shown in figure 8, Polish teaches rendering the data upon receiving an indication from the user to switch the playback speed (col. 6, ll. 37-60 and col. 6-7, ll. 61-32).

4. Claims 40, 43, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,963,202 to Polish in view of U.S. Patent 6,370,688 to Hejna, Jr. (Hejna).

Regarding claims 40, 43, and 52, Polish teaches video processing but is silent on audio data. In analogous art, Hejna teaches audio along with corresponding video (col. 4, ll. 3-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polish by sending audio with the video as taught

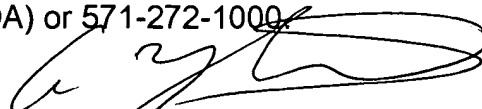
by Hejna in order to enhance the presentation of the video, thereby increasing the satisfaction of the viewer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Y Koenig
Primary Examiner
Art Unit 2623